

Part 4. Chapter 5 of the City Code (Public and Private Sewers) is proposed to be amended by adding the words shown in underline and by striking the words shown in strikethrough, as follows.

In addition, wherever the term “ordinance” appears in Chapter 5, it shall be replaced by the term “Chapter 5.”

Code of Ordinances, City of Ellsworth

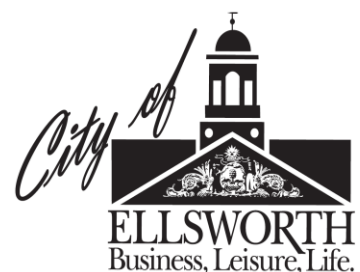
CHAPTER 5
PUBLIC AND PRIVATE SEWERS

A true copy, attest:

~~Heidi Noël Grindle~~ Suzanne McLean

City Clerk

HISTORICAL NOTE: ADOPTED APRIL 18, 2005; AMENDED JUNE 19, 2006; AMENDED JULY 17, 2006; AMENDED JUNE 18, 2007; AMENDED MAY 17, 2010; AMENDED APRIL 18, 2011; AMENDED MARCH 18, 2013; AMENDED APRIL 15, 2013; AMENDED NOVEMBER 18, 2013; AMENDED APRIL 17, 2017; AMENDED DECEMBER 18, 2017; AMENDED JANUARY 8, 2018; AMENDED *** 2026.



CHAPTER 5

PUBLIC AND PRIVATE SEWERS

In addition to the general purposes of the City Code set forth in Chapter 1, Article 2, the purposes of this Chapter 5 (Public and Private Sewers) are~~An ordinance~~ to promote the public's general health, safety and welfare; and to prevent disease by regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer systems, and providing penalties for violations thereof in the City of Ellsworth, County of Hancock, State of Maine.

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ARTICLE I – DEFINITIONS

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“State Plumbing Code” shall mean the State of Maine ~~Plumbing Codes~~subsurface wastewater rules, ~~as amended, from time to time codified at 10-144 C.M.R. ch. 241.~~

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Section 303 - The type, capacities, location, and layout of a private sewage disposal system shall comply with ~~all recommendations of the Department of Human Services, Bureau of Health, State of Maine~~the subsurface wastewater rule, codified at 10-144 C.M.R. ch. 241.

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Section 402 –

A. There shall be two (2) classes of building sewer permits - (1) for residential service, and (2) for commercial, industrial, and other non-residential service. In either case, the owner or his agent shall make application on a form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent.

*Sewer Connection fees shall be as ~~follows set forth in Chapter 1, Article 3 of the City Code~~ and paid to the City Treasurer at the time an application is filed. ~~Residential \$500; Non-residential connection fees shall be based on the design flow of the building use cited in the design flow table of the most recent edition of the sub-surface sewer rules of the State of Maine. The fee shall be \$500 for the first 270 gallons of design flow and \$5 per gallon of design flow thereafter. The connection fee will be reviewed annually at the January City Council meeting.~~

B. If a residential service is changed to commercial, industrial, or other non-residential service, the owner or agent shall make a new application for the new class of use in accordance with subsection (A). If the property owner paid a residential connection fee, the fee paid will be credited toward the new non-residential service fee calculated based on design flow.

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ARTICLE IX - PENALTIES

Section 901 – The Superintendent is responsible for enforcing the provisions of this Chapter 5, except Section 701, by inspecting premises, investigating complaints, issuing notices of violation, suspending or revoking permits or approvals, and participating in legal prosecution of violations as needed, in accordance with Chapter 1, Section 510 of the City Code.~~Any person violating any provision of this ordinance except~~

~~Section 701 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in said notice, permanently cease all violations.~~

Section 902 - Any person who fails to comply with the provisions of this ordinance other than those provisions pertaining to the payment of charges for services established herein, shall, be liable for a civil penalty not exceeding five hundred dollars (\$500.00) for each offense. The continued violation of any provision of any section of this ordinance, other than those pertaining to the payment of charges for services established herein, shall constitute a separate offense for each and every day such violation of any provision hereof shall continue.

~~Section 903—As an alternative, upon violation of this ordinance, the proper authorities of the City, in addition to other remedies, may institute any appropriate action or proceedings including an injunction to prevent such unlawful use, construction, or maintenance of cesspools, septic tanks, sewage disposal systems, pipes or drains, to restrain, correct or abate such violation, or to prevent the occupancy of any building structure or land where said violations of this ordinance are found.~~

~~Section 904—Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss, or damage incurred by the City by reason of such violation. The City Manager is authorized to order that legal action be taken to enforce the provisions of this Ordinance pursuant to 30-A M.R.S.A. Section 4452.~~

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ARTICLE XII INFLOW REMOVAL PROGRAM

In order to reduce unapproved inflow to the sewer collection system, the City ~~of Ellsworth~~ will charge a ~~\$50~~ quarterly inflow surcharge, in an amount determined by the City Council, against those contributing said inflows. This surcharge will be assessed for each incidence of unapproved connections to the sewer. This charge will be eliminated upon removal of the unapproved or illegal connection to the sewer service and a proven and viable method for ground water and surface water removal has been installed to the Wastewater Department's specifications. Illegal inflows include but are not limited to sump pumps, foundation drains, and basement drains. ~~This fee will commence 180 days after approval by the City Council.~~ This surcharge will be applied to all users; exemptions will be given by the Wastewater Superintendent if no illegal connection is found or if an illegal connection is satisfactorily removed per the above specifications. Sewer users should contact City Hall to schedule an appointment for inspection to determine exemption eligibility.

~~ARTICLE XIII—VALIDITY OF ORDINANCE~~

~~Section 1301—All ordinances or parts of ordinances in conflict herewith are hereby repealed.~~

~~Section 1302—The validity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any part of this ordinance which can be given without such invalid part or parts.~~

~~ARTICLE XIIIIV - ORDINANCE IN FORCE~~APPLICABILITY

This ~~ordinance~~ Chapter 5 shall be in full force and effect from and after its passage, approval, and recording, except Section 204 is not applicable to any project, development, or subdivision that has received final Planning Board approval ~~or other local review approval~~ or other local review approval prior to date of adoption of this Ordinance Chapter by the ~~Ellsworth~~ City Council.